

**ORDINANCE NO. 2023 - 08**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, ESTABLISHING A POLICY FOR THE DISPOSAL OF CITY-OWNED SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 166.021(1), Florida Statutes, municipalities have the power and authority to acquire and dispose of real property and other property declared surplus for a valid municipal purpose; and

**WHEREAS**, the City Commission of the Pahokee (“City Commission”) desires to establish a policy for the disposal of city-owned surplus property determined obsolete or for which the continued use is uneconomical or inefficient, or which serves no useful function; and

**WHEREAS**, the City Commission further desires to establish a policy wherein the City of Pahokee can account for the sale, trade, donation and/or conveyance of real property and other property declared surplus; and

**WHEREAS**, any property owned by the City which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be declared surplus property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:**

**Section 1. Adoption of Representations.**

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

**Section 2.**

The City Commission of the City of Pahokee hereby declares that any property owned by the City which has become obsolete, or which has outlived its usefulness, or

which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be disposed of in accordance with the procedures set forth herein.

### **Section 3.**

The City Commission desires to dispose of property in accordance with the following procedures:

1. The City Manager, after evaluation and good faith analysis, shall advise the City Commission in a written memorandum reasons why certain property should be declared surplus property.
2. Once the City Manager prepares a written Memorandum addressed to the Commission, a surplus Resolution shall be prepared by the City Attorney and shall be placed on the next available City Commission Meeting Agenda.
3. Under no circumstances may the City Manager dispose of City-owned property in the absence of a Resolution of the City Commission deeming the subject property as surplus property.
4. The City Manager shall then determine the most appropriate method to dispose of surplus items and report the decision at the next regular City Commission meeting. Such methods may include, but shall not be limited to, the following:  
(a) Annual surplus equipment sale; (b) Sale; (c) Trade; (d) Donation.
5. The City Manager may require a surety bond for certain property, as the City Manager may deem appropriate.
6. The City Manager shall then advertise in a newspaper of general circulation that the disposal the surplus will be awarded by sealed bid or auction and awarded to the highest bidder. The City Manager may reject any and all bids as he/she deems appropriate.
7. Proceeds from the sale of the property shall go into the general fund of the City, unless the equipment was acquired by utilizing police forfeiture funds.

### **Section 4. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Inclusion in Code.**

It is hereby the intention of the Commission of the City of Pahokee and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Pahokee, Florida.

**Section 6. Conflict and Repealer.**

All ordinances, parts of ordinances or code provisions in conflict herewith are hereby repealed.

**Section 7. Effective Date.**

This Ordinance shall take effect immediately upon final passage.

**PASSED FIRST READING** this 13<sup>th</sup> day of November 2023.

**PASSED SECOND READING** this 12<sup>th</sup> day of December 2023.

**ATTEST:**

\_\_\_\_\_  
Keith W. Babb, Jr., Mayor

By: \_\_\_\_\_  
Tijauna Warner, CMC, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Week, P.A.  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**VOTE:**

Commissioner Boldin	_____ (Yes)	_____ (No)
Commissioner Gonzalez	_____ (Yes)	_____ (No)
Commissioner Perez	_____ (Yes)	_____ (No)
Vice-Mayor Murvin	_____ (Yes)	_____ (No)
Mayor Babb	_____ (Yes)	_____ (No)